

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STATE OF WASHINGTON,

Plaintiff,

v.

LANDMARK TECHNOLOGY A, LLC,  
and RAYMOND MERCADO,  
individually,

Defendants.

NO. 2:21-cv-00728-RSM

DECLARATION OF HEIDI  
ANDERSON IN SUPPORT OF  
STATE'S REPLY ON ITS MOTION  
TO COMPEL AND FOR RELIEF  
FROM DEADLINES TO ADDRESS  
POTENTIAL DISCOVERY  
MISCONDUCT

NOTE ON MOTION CALENDAR:  
Wednesday, July 24, 2024

I, Heidi C. Anderson, declare as follows:

1. I am an Assistant Attorney General in the Consumer Protection Division of the Washington State Attorney General's Office. I am one of the attorneys of record for the Plaintiff State of Washington in the above-captioned matter. I am licensed to practice law in the State of Washington and am an active member in good standing of the WSBA. I make this declaration based on my own personal knowledge.

2. On July 9, 2024, at approximately 1:15 PM, I left a voicemail for Justin Walsh, counsel for Defendants in this matter. In that voicemail, I asked him to call me to discuss potential options for addressing imminently scheduled depositions in this case, in light of the fact the parties had not yet received guidance from the Court regarding Plaintiff's Motion to Compel and For Relief From Deadlines to Address Potential Discovery Misconduct (Motion).

REPLY DECLARATION OF HEIDI  
ANDERSON IN SUPPORT OF STATE'S  
MOTION TO COMPEL AND FOR RELIEF  
FROM DEADLINES  
(2:21-cv-00728-RSM) - 1

ATTORNEY GENERAL OF WASHINGTON  
Consumer Protection Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

3. Later that day, at around 4:00 PM, I received a call from Mr. Walsh and his colleague, James Ware. During that call, I referenced the fact we had not yet heard from the Court regarding Plaintiff's Motion, and the depositions scheduled for that coming Friday (July 12) and for the following Monday and Tuesday (July 15-16) in North Carolina. I then proceeded to outline three potential options in the event the Court did not rule before Thursday, July 11: (a) go forward with the depositions as scheduled pending a ruling by the Court, (b) continue the upcoming depositions by a couple of weeks to allow the Court time to consider the Motion, in part to save the parties from incurring unnecessary costs, and (c) discuss more broadly an amended case schedule to allow time for Plaintiff's Motion to be heard and for additional discovery in light of Defendant's late disclosure of documents. Counsel for Defendants indicated that option b—setting over pending depositions to some date after the noting date on the Motion—was a non-starter, but that he would speak with his client and get back to me. Before ending the call, I indicated that we were also open to other options for addressing the pending depositions, and that we would be willing to explore any of the three options. Before we got off the call, I also noted that I would be in a deposition in another matter on July 10.

4. A short time after this call, I sent an email to Defendants' counsel, in part to briefly summarize our conversation. Attached as **Exhibit U** is a copy of that email.

5. On July 10, I received an email from Mr. Walsh during a break in my deposition. *See* Dkt. #95-18. Mr. Walsh thereafter reached out to my colleagues on this case via email, and my colleague, Bob Hyde, spoke with him on the telephone. *Id.* I was later informed by Mr. Hyde that, during that call, Mr. Walsh indicated that his clients were interested in exploring a continuance of the case schedule, including a rescheduling of pending depositions.

6. Later that afternoon, at approximately 4:12 PM on July 10, our office received ECF notice of the Court's order on our Motion. Approximately two hours later, after reviewing the Order, I sent Mr. Walsh the email attached as part of Exhibit 18 to his declaration. *See id.*

1 I declare, under penalty of perjury under the laws of the State of Washington, that the  
2 foregoing is true and correct.

3 DATED this 24th day of July, 2024, at Seattle, Washington.

4  
5 s/ Heidi Anderson

6 HEIDI ANDERSON, WSBA No. 37603  
7 Assistant Attorney General  
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**CERTIFICATE OF SERVICE**

I certify that I caused a copy of the foregoing to be served on all counsel of record via the ECF system.

I certify, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 24th day of July, 2024, at Seattle, Washington.

*s/ Heidi Anderson*

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HEIDI ANDERSON, WSBA No. 37603  
Assistant Attorney General